

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1168

Introduced by Senator Pavley

(Principal coauthor: Assembly Member Dickinson)

February 20, 2014

An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 10927 and 10933 of, to add Sections 113 and 10750.11 to, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

Existing law requires the Department of Water Resources to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and prioritize groundwater basins and subbasins.

This bill would require the department, pursuant to these provisions, to categorize each basin and subbasin as either high priority, medium priority, low priority, or very low priority. The bill would require the Department of Fish and Wildlife, in collaboration with the department, to identify those basins and subbasins where species and ecosystems are vulnerable to existing or future groundwater conditions.

Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and

requires a local agency seeking state funds administered by the ~~Department of Water Resources~~ *department* for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill would *prohibit a groundwater management plan from being adopted, or an existing groundwater management plan from being renewed, under these provisions, on or after January 1, 2015. The bill would instead enact the Sustainable Groundwater Management Act, and would state as the intent of the Legislature that, among other things, all groundwater basins and subbasins shall be managed sustainably by local entities pursuant to an adopted sustainable groundwater management plan. This to, among other things, provide local groundwater agencies with the authority and assistance necessary to sustainably manage groundwater. The bill would authorize unspecified entities a local agency or agencies to form a groundwater management agency and to develop a sustainable groundwater management plan, defined as a document that describes the activities intended to be included in a groundwater management program, to be developed and adopted to encompass an entire basin or subbasin in an unspecified manner, and according to an unspecified schedule. This subbasin. The bill would also authorize a groundwater management agency to, among other things, establish and collect fees for the management of groundwater and establish a system for allocating groundwater. The bill would require a groundwater management agency to be formed and managed so that the interests of all beneficial uses and users of groundwater are considered and would require a sustainable groundwater management plan to meet certain criteria, including provisions relating to the monitoring and management of groundwater levels within the groundwater basin, mitigating or avoiding conditions of overdraft, and controlling saline water intrusion, if relevant.*

The bill would require, for basins and subbasins that have been identified by the department as high priority or medium priority, that a groundwater management plan be completed and submitted to the department by January 1, 2020, and be designed to achieve sustainable groundwater management within 20 years of the plan's adoption. The bill would require the department, in consultation with the board, to establish a process for the certification of groundwater management plans that existed before January 1, 2015, if those plans substantially meet the purposes and goals of this measure.

This bill would require the groundwater management agency to prepare and provide notice to the public of an annual report, which would include a summary of the agency's characterization of the basin, water budget, sustainable yield, and status of the groundwater management plan development and implementation. The bill would authorize, under unspecified conditions, the state to take action to cause a sustainable groundwater management plan to be developed, adopted, and implemented, and would require that the state make all reasonable efforts to transfer management of a groundwater basin back to local agencies. The bill would require the department to provide technical assistance to groundwater management agencies, including developing best management practices and guidelines to assist groundwater agencies in the development and implementation of sustainable groundwater management plans and reporting on statewide groundwater basin characterization.

The Planning and Zoning Law requires the legislative body of a city or county to adopt a general plan that consists of various elements, including a land use element, a conservation element, and an open-space element. Existing law requires, prior to action by a legislative body to adopt or substantially amend a general plan, that the planning agency refer the proposed action to specified state, local, and federal agencies.

This bill would require that the plan also be referred to a groundwater management agency or local agency that has adopted a groundwater management plan, or the State Water Resources Control Board if it has adopted a groundwater management plan, that includes territory within the planning area of the proposed general plan. The bill would require the local agency or the State Water Resources Control Board, upon receiving notice of the proposed action to adopt or substantially amend the general plan, to provide the planning agency with certain information relating to groundwater. The bill would also require the planning agency, before adoption or substantial amendment to the general plan, to review and revise its land use, conservation, and open-space element to address groundwater management plans and any limitations on groundwater pumping imposed by a groundwater management agency. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) The Legislature finds and declares as follows:*
- 2 *(1) The people of the state have a primary interest in the*
- 3 *protection, management, and reasonable beneficial use of the*
- 4 *water resources of the state, both surface and underground, and*
- 5 *that the integrated management of the state's water resources is*
- 6 *essential to meeting its water management goals.*
- 7 *(2) Groundwater provides a significant portion of California's*
- 8 *water supply. Groundwater accounts for more than one-third of*
- 9 *the water used by Californians in an average year and more than*
- 10 *one-half of the water used by Californians in a drought year when*
- 11 *other sources are unavailable.*
- 12 *(3) Excessive groundwater pumping can cause overdraft, failed*
- 13 *wells, deteriorated water quality, environmental damage, and*
- 14 *irreversible land subsidence that damages infrastructure and*
- 15 *diminishes the capacity of aquifers to store water for the future.*
- 16 *(4) When properly managed, groundwater resources will help*
- 17 *protect communities, farms, and the environment against prolonged*
- 18 *dry periods and climate change, preserving water supplies for*
- 19 *existing and potential beneficial use.*
- 20 *(5) Failure to manage groundwater to prevent long-term*
- 21 *overdraft infringes on groundwater rights.*
- 22 *(6) Groundwater resources are most effectively managed at the*
- 23 *local or regional level.*
- 24 *(7) Groundwater management will not be effective unless local*
- 25 *actions to sustainably manage groundwater basins and subbasins*
- 26 *are taken.*
- 27 *(8) Local and regional agencies need to have the necessary*
- 28 *support and authority to manage groundwater sustainably.*
- 29 *(9) In those circumstances where a local groundwater*
- 30 *management agency is not managing its groundwater sustainably,*
- 31 *the state needs to protect the resource until it is determined that*

1 *a local groundwater management agency can sustainably manage*
2 *the groundwater basin or subbasin.*

3 *(10) Information on the amount of groundwater extraction,*
4 *natural and artificial recharge, and groundwater evaluations are*
5 *critical for effective management of groundwater.*

6 *(b) It is therefore the intent of the Legislature to do all of the*
7 *following:*

8 *(1) To provide local and regional agencies the authority to*
9 *sustainably manage groundwater.*

10 *(2) To provide that if no local groundwater agency or agencies*
11 *provide sustainable groundwater management for a groundwater*
12 *basin or subbasin, the state has the authority to develop and*
13 *implement a sustainable groundwater management plan until the*
14 *time the local groundwater management agency or agencies can*
15 *assume management of the basin or subbasin.*

16 *(3) To require the development and reporting of those data*
17 *necessary to support sustainable groundwater management,*
18 *including those data that help describe the basin's geology, the*
19 *short- and long-term trends of the basin's water balance, and other*
20 *measures of sustainability, and those data necessary to resolve*
21 *disputes regarding sustainable yield, beneficial uses, and water*
22 *rights.*

23 *(4) To respect overlying and other proprietary rights to*
24 *groundwater.*

25 *SEC. 2. Section 65350.5 is added to the Government Code, to*
26 *read:*

27 *65350.5. Before the adoption of or any substantial amendment*
28 *to a city or county's general plan, the planning agency shall review*
29 *and, if necessary, revise the land use, conservation, open space,*
30 *or any other element as appropriate to address all of the following:*

31 *(a) Any adoption of, or update to, a groundwater management*
32 *plan by a groundwater management agency or local agency*
33 *pursuant to Part 2.74 (commencing with Section 10720) or Part*
34 *2.75 (commencing with Section 10750) of the Water Code or other*
35 *provisions of law or a court order, judgment, or decree, or the*
36 *State Water Resources Control Board if it has adopted a*
37 *groundwater management plan pursuant to Section 10747.*

38 *(b) Any limitation on pumping of groundwater by a local*
39 *groundwater management agency.*

40 *(c) An adjudication of water rights.*

1 SEC. 3. *Section 65352 of the Government Code is amended to*
2 *read:*

3 65352. (a) ~~Prior to~~ *Before* ~~action is taken~~ by a legislative body
4 to adopt or substantially amend a general plan, the planning agency
5 shall refer the proposed action to all of the following entities:

6 (1) A city or county, within or abutting the area covered by the
7 proposal, and any special district that may be significantly affected
8 by the proposed action, as determined by the planning agency.

9 (2) An elementary, high school, or unified school district within
10 the area covered by the proposed action.

11 (3) The local agency formation commission.

12 (4) An areawide planning agency whose operations may be
13 significantly affected by the proposed action, as determined by the
14 planning agency.

15 (5) A federal-agency agency, if its operations or lands within
16 its jurisdiction may be significantly affected by the proposed action,
17 as determined by the planning agency.

18 (6) (A) The branches of the United States Armed Forces that
19 have provided the Office of Planning and Research with a
20 California mailing address pursuant to subdivision (d) of Section
21 65944 ~~when if~~ the proposed action is within 1,000 feet of a military
22 installation, or lies within special use airspace, or beneath a
23 low-level flight path, as defined in Section 21098 of the Public
24 Resources Code, ~~provided that~~ *and if* the United States Department
25 of Defense provides electronic maps of low-level flight paths,
26 special use airspace, and military installations at a scale and in an
27 electronic format that is acceptable to the Office of Planning and
28 Research.

29 (B) Within 30 days of a determination by the Office of Planning
30 and Research that the information provided by the Department of
31 Defense is sufficient and in an acceptable scale and format, the
32 office shall notify cities, counties, and cities and counties of the
33 availability of the information on the Internet. Cities, counties, and
34 cities and counties shall comply with subparagraph (A) within 30
35 days of receiving this notice from the office.

36 (7) A public water system, as defined in Section 116275 of the
37 Health and Safety Code, with 3,000 or more service connections,
38 that serves water to customers within the area covered by the
39 proposal. The public water system shall have at least 45 days to
40 comment on the proposed plan, in accordance with subdivision

(b), and to provide the planning agency with the information set forth in Section 65352.5.

(8) *A groundwater management agency or local agency that has adopted a groundwater management plan or sustainable groundwater management plan, or that otherwise manages groundwater pursuant to other provisions of law or a court order, judgment, or decree, or the State Water Resources Control Board if it has adopted a groundwater management plan pursuant to Section 10747 of the Water Code, that includes territory within the planning area of the proposed general plan.*

(8)
(9) *The Bay Area Air Quality Management District District, for a proposed action within the boundaries of the district.*

(9) ~~On and after March 1, 2005, a~~
(10) *A California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with Commission and that has traditional lands located within the city or county's jurisdiction.*

(10)
(11) *The Central Valley Flood Protection Board Board, for a proposed action within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code.*

(b) ~~Each~~ *An entity receiving that receives* a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it ~~in which~~ to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the ~~other~~ entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

SEC. 4. Section 65352.5 of the Government Code is amended to read:

65352.5. (a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning

1 occurs~~in order~~ to accommodate projects that will result in
2 increased demands on water supplies.

3 (b) It is, therefore, the intent of the Legislature to provide a
4 standardized process for determining the adequacy of existing and
5 planned future water supplies to meet existing and planned future
6 demands on these water supplies.

7 (c) Upon receiving, pursuant to Section 65352, notification of
8 a city's or a county's proposed action to adopt or substantially
9 amend a general plan, a public water system, as defined in Section
10 116275 of the Health and Safety Code, with 3,000 or more service
11 connections, shall provide the planning agency with the following
12 information, as is appropriate and relevant:

13 (1) The current version of its urban water management plan,
14 adopted pursuant to Part 2.6 (commencing with Section 10610)
15 of Division 6 of the Water Code.

16 (2) The current version of its capital improvement program or
17 plan, as reported pursuant to Section 31144.73 of the Water Code.

18 (3) A description of the source or sources of the total water
19 supply currently available to the water supplier by water right or
20 contract, taking into account historical data concerning wet, normal,
21 and dry runoff years.

22 (4) A description of the quantity of surface water that was
23 purveyed by the water supplier in each of the previous five years.

24 (5) A description of the quantity of groundwater that was
25 purveyed by the water supplier in each of the previous five years.

26 (6) A description of all proposed additional sources of water
27 supplies for the water supplier, including the estimated dates by
28 which these additional sources should be available and the
29 quantities of additional water supplies that are being proposed.

30 (7) A description of the total number of customers currently
31 served by the water supplier, as identified by the following
32 categories and by the amount of water served to each category:

33 (A) Agricultural users.

34 (B) Commercial users.

35 (C) Industrial users.

36 (D) Residential users.

37 (8) Quantification of the expected reduction in total water
38 demand, identified by each customer category set forth in paragraph

39 (7), associated with future implementation of water use reduction

measures identified in the water supplier's urban water management plan.

(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.

(d) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a local agency that has adopted a groundwater management plan, or that otherwise manages groundwater pursuant to other provisions of law or a court order, judgment, or decree, or the State Water Resources Control Board if it has adopted a groundwater management plan pursuant to Section 10747 of the Water Code, shall provide the planning agency with maps of recharge basins, percolation ponds, and any other information that is appropriate and relevant.

SEC. 5. Section 113 is added to the Water Code, to read:

113. (a) It is the policy of the state that groundwater resources be managed sustainably.

(b) Sustainable groundwater management mean the management of a groundwater basin to provide for multiple long-term benefits without resulting in or aggravating conditions that cause significant economic, social, or environmental impacts such as long-term overdraft, land subsidence, ecosystem degradation, depletions from surface water bodies, and water quality degradation, in order to protect the resource for future generations.

~~SECTION 1.~~

SEC. 6. Part 2.74 (commencing with Section 10720) is added to Division 6 of the Water Code, to read:

PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT

CHAPTER 1. GENERAL PROVISIONS

10720. This part may be known, and may be cited, as the Sustainable Groundwater Management Act.

10721. In enacting this part, it is the intent of the Legislature ~~that all of the following occur~~ to do all of the following:

1 ~~(a) All groundwater basins and subbasins shall be managed~~
2 ~~sustainably by local entities pursuant to an adopted sustainable~~
3 ~~groundwater management plan.~~

4 ~~(b) Attention to develop, adopt, and implement a sustainable~~
5 ~~groundwater management plan shall be directed first to high and~~
6 ~~medium priority groundwater basins and subbasins.~~

7 ~~(c) Upon a finding of compelling state interest, the state shall~~
8 ~~have recourse to cause a sustainable groundwater management~~
9 ~~plan to be developed, adopted, and implemented where local~~
10 ~~interests either cannot or will not do so themselves.~~

11 ~~(a) To provide for the sustainable management of groundwater~~
12 ~~basins.~~

13 ~~(b) To provide local groundwater agencies with the authority~~
14 ~~and assistance necessary to sustainably manage groundwater.~~

15 ~~(c) To provide that if no local groundwater agency or agencies~~
16 ~~provide sustainable groundwater management for a groundwater~~
17 ~~basin or subbasin, the state has the authority to develop and~~
18 ~~implement a sustainable groundwater management plan until the~~
19 ~~time the local groundwater management agency or agencies can~~
20 ~~assume management of the basin or subbasin.~~

21 10722. This part applies to all groundwater basins ~~and~~
22 ~~subbasins~~ in the state.

23
24 CHAPTER 2. DEFINITIONS
25

26 10725. Unless the context otherwise requires, the following
27 definitions govern the construction of this part:

28 (a) “Groundwater” means all water beneath the surface of the
29 earth within the zone below the water table in which the soil is
30 completely saturated with water, but does not include water that
31 flows in known and definite channels.

32 (b) “Groundwater basin” means any basin or subbasin identified
33 in the department’s Bulletin No. 118, dated September 1975, and
34 any amendments to that bulletin, ~~but does not include a basin in~~
35 ~~which the average well yield, excluding domestic supply wells~~
36 ~~that supply water to a single-unit dwelling, is less than 100 gallons~~
37 ~~per minute bulletin.~~

38 (c) “Groundwater extraction facility” means a device or method
39 for the extraction of groundwater within a groundwater basin.

1 (d) “Groundwater management agency” means one or more
2 local agencies formed to develop and implement the provisions of
3 this part.

4 ~~(d)~~

5 (e) “Groundwater recharge” means the augmentation of
6 groundwater, by natural or artificial means, with surface water or
7 recycled water.

8 ~~(e) “Local groundwater management entity” means _____.~~

9 ~~(f)~~

10 (f) “Local agency” means a local public agency that has water
11 management or land use responsibilities within the groundwater
12 basin.

13 (g) “Overdraft” means the condition of the groundwater basin
14 where the average annual amount of water extracted exceeds the
15 average annual supply of water to groundwater.

16 (h) “Recharge area” means the area that supplies water to an
17 aquifer in a groundwater basin and includes multiple wellhead
18 protection areas.

19 ~~(g)~~

20 (i) “Sustainable groundwater management” means the
21 management of a groundwater basin to provide for multiple
22 long-term benefits without resulting in or aggravating conditions
23 that cause significant economic, social, or environmental impacts
24 such as long-term overdraft, land subsidence, ecosystem
25 degradation, depletions from surface water bodies, and water
26 quality degradation, in order to protect the resource for *present*
27 *and* future generations.

28 ~~(h)~~

29 (j) “Sustainable groundwater management plan” or “plan” means
30 a document that describes the activities intended to be included in
31 a groundwater management program.

32 ~~(i)~~

33 (k) “Sustainable groundwater management program” or
34 “program” means a coordinated and ongoing activity undertaken
35 for the benefit of a groundwater basin, or a portion of a
36 groundwater basin, pursuant to a groundwater management plan
37 adopted pursuant to this part.

38 (l) “Sustainable yield” means the average annual quantity of
39 groundwater that can be withdrawn over a specified planning

1 *timeframe from a groundwater basin without resulting in or*
2 *aggravating conditions of sustainable groundwater management.*

3 (m) “Water budget” means an accounting of the total
4 groundwater and surface entering and leaving a basin including
5 the changes in the amount of water stored.

6 ~~(j)~~

7 (n) “Watermaster” means a watermaster appointed by a court
8 or pursuant to other provisions of law.

9 ~~(k)~~

10 (o) “Wellhead protection area” means the surface and subsurface
11 area surrounding a water well or well field that supplies a public
12 water system through which contaminants are reasonably likely
13 to migrate toward the water well or well field.

14
15 *CHAPTER 2.5. BASIN AND SUBBASIN PRIORITY*

16
17 10726. (a) Pursuant to Section 10933, the department shall
18 categorize each basin and subbasin as one of the following
19 priorities:

20 (1) High priority.

21 (2) Medium priority.

22 (3) Low priority.

23 (4) Very low priority.

24 (b) (1) No later than January 1, 2018, the Department of Fish
25 and Wildlife, in collaboration with the department, shall identify
26 those basins and subbasins where species and ecosystems are
27 vulnerable to existing or future groundwater conditions.

28 (2) The department shall revise the priorities for those basins
29 and subbasins identified in paragraph (1) as appropriate.

30
31 *CHAPTER 3. GROUNDWATER MANAGEMENT AGENCY FORMATION*

32
33 10730. It is the intent of the Legislature that the groundwater
34 subbasin, or basin when no subbasin is defined, as identified by
35 Bulletin 118, is the most appropriate geographic boundary for
36 groundwater management.

37 10730.1. Any local agency or combination of local agencies
38 may establish a groundwater management agency.

39 10730.2. Before establishing a groundwater management
40 agency, and after publication of notice pursuant to Section 6066

1 of the Government Code, the local agency or agencies shall hold
2 a public hearing in the county or counties overlying the subbasin
3 or basin to discuss requirements of this part.

4 10730.3. The groundwater management agency shall be formed
5 and managed to provide that the interests of all beneficial uses
6 and users of groundwater, as well as those responsible for
7 implementing sustainable groundwater management plans, are
8 appropriately considered. These interests include, but are not
9 limited to, all of the following:

- 10 (a) Holders of overlying groundwater rights, including:
11 (1) Agricultural users.
12 (2) Domestic well owners.
13 (b) Municipal well operators.
14 (c) Local land use planning agencies.
15 (d) Environmental users of groundwater.
16 (e) Surface water users, if there is a hydrologic connection
17 between surface and groundwater bodies.
18 (f) ____.

19 10730.4. The groundwater management agency shall establish
20 and maintain a list of persons interested in receiving notices
21 regarding plan preparation, meeting announcements, and
22 availability of draft plans, maps, and other relevant documents.
23 Any person may request, in writing, to be placed on the list of
24 interested persons.

25 10730.5. A combination of local agencies may form a
26 groundwater management agency by using any of the following
27 methods:

- 28 (a) A joint powers agreement.
29 (b) A memorandum of agreement or other legal agreement.

30 10730.6. (a) A local agency may request a change to the
31 boundaries of a groundwater basin or subbasin to the department
32 in order to form groundwater management agencies.

33 (b) The department shall establish procedures and standards
34 for local agencies and groundwater management agencies
35 regarding the determination and modification of basin and
36 subbasin boundaries for the implementation of this part.

37 10730.7. A groundwater management agency shall inform the
38 state board of the formation of the groundwater management
39 agency and its intent to undertake sustainable groundwater

1 management. The notification shall include the following
2 information:

3 (a) The service area boundaries, the basin or subbasin the
4 agency is managing, and the other groundwater management
5 agencies operating within the subbasin.

6 (b) A copy of the resolution forming the new agency.

7 (c) A copy of the bylaws, ordinances, and new authorities.

8
9 CHAPTER 3-4. SUSTAINABLE GROUNDWATER MANAGEMENT
10 PLANS

11
12 ~~10730. A plan shall be developed and adopted according to~~
13 ~~the following schedule:~~

14 ~~(a) _____.~~

15 ~~10731. The process for developing and adopting a plan shall~~
16 ~~include the following:~~

17 ~~(a) _____.~~

18 ~~10732. A plan shall include the following:~~

19 ~~(a) _____.~~

20 ~~10733. A plan shall encompass an entire basin or subbasin.~~

21 10735. (a) A sustainable groundwater management plan shall
22 be developed by a groundwater management agency to meet the
23 requirements of this part.

24 (b) A sustainable groundwater management plan shall
25 encompass an entire basin or subbasin. If more than one
26 groundwater management agency is managing within a basin or
27 subbasin, the agencies shall jointly develop a plan to ensure all
28 agencies are coordinated and a common set of objectives to
29 address the management of the basin or subbasin are in place.

30 (c) A sustainable groundwater management plan shall describe
31 how the groundwater management agency will achieve sustainable
32 groundwater management in the basin or subbasin within the
33 following timeframes:

34 (1) For basins and subbasins identified by the department as
35 high and medium priority, a sustainable groundwater management
36 plan shall be completed and submitted to the department by
37 January 1, 2020. The plan shall be designed to achieve sustainable
38 groundwater management within 20 years of the plan's adoption,
39 with progress reports submitted to the department and the board
40 every five years.

1 (2) *For basins and subbasins identified by the department as*
2 *low or very low priority, sustainable groundwater management*
3 *plans may be submitted to the department.*

4 (d) *The department, in consultation with the board, shall*
5 *establish the minimum standards for development of sustainable*
6 *groundwater management plans, which shall include:*

7 (1) *An identification of the geographic boundaries, physical*
8 *characteristics of the basin, and mapping of those features that*
9 *affect groundwater management.*

10 (2) *Identification of physical interactions of impacts across*
11 *subbasin boundaries.*

12 (3) *A water budget and sustainable yield of the subbasin.*

13 (4) *Data identifying the extent of the impacts and measurable*
14 *objectives to reduce the impacts associated with long-term*
15 *overdraft, water quality, subsidence, surface water flows, and*
16 *groundwater dependent ecosystems in the subbasin.*

17 (5) *Interim milestones and final targets with measurable*
18 *objectives that demonstrate progress toward achieving sustainable*
19 *groundwater management.*

20 (6) *Descriptions of management objectives to achieve*
21 *sustainability in the groundwater basin or subbasin, including*
22 *monitoring and management actions.*

23 (e) *The department, in consultation with the board, shall*
24 *establish a process to certify a groundwater management plan*
25 *which was in place before January 1, 2015, and has been*
26 *established by local agencies or through adjudication, if the plan*
27 *substantially meets the purposes and goals of this part. The*
28 *department in consultation with the board, shall identify*
29 *amendments or additions necessary to certify a groundwater*
30 *management plan which was in place before January 1, 2015,*
31 *under this subdivision wherever feasible. Final certification shall*
32 *be provided by the board.*

33 10736. *Before initiating the plan development, a groundwater*
34 *management agency preparing a groundwater management plan*
35 *shall convene a scoping session of all interested parties, including,*
36 *but not limited to, those described in Section 10730.3.*

37 10737. (a) *A local agency shall do the following to meet this*
38 *part:*

39 (1) *Prepare and implement a sustainable groundwater*
40 *management plan that includes basin management objectives for*

1 the groundwater basin that is subject to the plan. The plan shall
2 include components relating to the monitoring and management
3 of groundwater levels within the groundwater basin, groundwater
4 quality degradation, inelastic land surface subsidence, changes
5 in surface flow and surface water quality that directly affect
6 groundwater levels or quality or are caused by groundwater
7 pumping in the basin, and a description of how recharge areas
8 identified in the plan substantially contribute to the replenishment
9 of the groundwater basin. For purposes of implementing this
10 paragraph, all of the following shall apply:

11 (A) The local agency shall prepare a plan to work cooperatively
12 with other public entities whose service area or boundary overlies
13 the groundwater basin.

14 (B) The local agency shall prepare a map that details the area
15 of the groundwater basin, as defined in the department's Bulletin
16 No. 118, and the area of the local agency, that will be subject to
17 the plan, as well as the boundaries of other local agencies that
18 overlie the basin in which the agency is developing a groundwater
19 management plan.

20 (C) The groundwater management plan shall include a map
21 identifying the recharge areas for the groundwater basin. The
22 local agency shall provide the map to the appropriate local
23 planning agencies after adoption of the groundwater management
24 plan and shall notify the department and all persons on the list
25 established and maintained pursuant to Section 10730.4. For
26 purposes of this subparagraph, "map identifying the recharge
27 areas" means a map that identifies, or maps that identify, the
28 current recharge areas that substantially contribute to the
29 replenishment of the groundwater basin.

30 (2) Adopt monitoring protocols that are designed to detect
31 changes in groundwater levels, groundwater quality, inelastic
32 surface subsidence for basins for which subsidence has been
33 identified as a potential problem, and flow and quality of surface
34 water that directly affect groundwater levels or quality or are
35 caused by groundwater pumping in the basin. The monitoring
36 protocols shall be designed to generate information that promotes
37 efficient and effective groundwater management.

38 (b) Upon the adoption of a groundwater management plan in
39 accordance with this part, the local agency shall submit a copy of
40 the plan to the department, in an electronic format approved by

1 *the department, if practicable. The department shall make available*
2 *to the public copies of the plan received pursuant to this part.*

3 *10738. In addition to the elements required under Section*
4 *10737, a sustainable groundwater management plan shall include*
5 *provisions for the following components. If one or more elements*
6 *are not relevant to the specific basin or subbasin, the plan shall*
7 *explain why that element is unnecessary.*

8 *(a) Controlling of saline water intrusion.*

9 *(b) Identifying and managing wellhead protection areas and*
10 *recharge areas.*

11 *(c) Regulating the migration of contaminated groundwater.*

12 *(d) Administering a well abandonment and well destruction*
13 *program.*

14 *(e) Mitigating or avoiding conditions of overdraft.*

15 *(f) Replenishing groundwater extracted by water producers.*

16 *(g) Regulating groundwater extractions.*

17 *(h) Monitoring and reporting, including, but not limited to,*
18 *reasonable requirements for monitoring and reporting by persons*
19 *or entities that extract groundwater or divert water to underground*
20 *storage, of groundwater extractions, levels, and storage.*

21 *(i) Facilitating conjunctive use operations.*

22 *(j) Establishing well construction policies.*

23 *(k) Constructing and operating by the local agency of*
24 *groundwater contamination cleanup, recharge, storage,*
25 *conservation, water recycling, and extraction projects.*

26 *(l) Developing relationships with state and federal regulatory*
27 *agencies.*

28 *(m) Reviewing land use plans and coordination with land use*
29 *planning agencies to assess activities that create a reasonable risk*
30 *of groundwater contamination.*

31 *(n) Establishing and implementing a dispute resolution*
32 *processes.*

33 ~~10734.~~

34 *10739. Upon adoption of a plan, a copy of the plan shall be*
35 *provided to the following:*

36 *(a) ____.*

37
38 ~~CHAPTER 4.5. LOCAL GROUNDWATER MANAGEMENT ENTITIES~~
39 ~~AGENCY POWERS AND AUTHORITIES~~
40

1 ~~10735. A plan may be developed by the following new or~~
2 ~~existing entities:~~

3 ~~(a) _____.~~

4 ~~10736. In addition to any other powers an agency designated~~
5 ~~as a local groundwater management entity may be granted by law,~~
6 ~~a local groundwater management entity shall have and may exercise~~
7 ~~the following powers:~~

8 ~~(a) _____.~~

9 ~~10737. A local groundwater management entity may enforce~~
10 ~~the provisions of a plan as follows:~~

11 ~~(a) _____.~~

12 *10740. In addition to other powers granted by law, a*
13 *groundwater management agency that meets the requirements of*
14 *Chapter 3 (commencing with Section 10730) may do all of the*
15 *following:*

16 *(a) Develop a sustainable groundwater plan pursuant to this*
17 *part.*

18 *(b) Establish a program for the monitoring, measuring, and*
19 *reporting on groundwater conditions.*

20 *(c) Require reports on groundwater extraction.*

21 *(d) Establish a system for allocating groundwater based on*
22 *sustainable yield of the basin and manage pumping with public*
23 *notice and sound technical studies.*

24 *(e) Establish and collect fees for the management of*
25 *groundwater.*

26 *(f) Establish a system for the approval of local voluntary*
27 *transfers within a basin or subbasin.*

28 *10741. Commencing January 1, 2018, the groundwater*
29 *management agency shall prepare an annual report and provide*
30 *public notice of the annual report. The report shall include a*
31 *summary of the agency's characterization of the basin, water*
32 *budget, sustainable yield, and status of the groundwater*
33 *management plan development or implementation, and associated*
34 *data.*

35
36 CHAPTER 5-6. ~~FINANCING~~ TECHNICAL ASSISTANCE

37
38 ~~10740. _____.~~

39 *10742. The department shall provide technical assistance to*
40 *groundwater management agencies and develop and manage*

1 statewide groundwater information. This shall include, but is not
2 limited to, the following:

3 (a) Developing of best management practices and guidelines
4 to assist groundwater agencies in the development and
5 implementation of sustainable groundwater management plans.

6 (b) Reporting on statewide groundwater basin characterization.

7 (c) Initiating a subsidence monitoring and assessment program
8 in coordination with the United States Geological Survey.

9
10 CHAPTER ~~6~~-7. ENFORCEMENT

11
12 ~~10745. Under the following conditions, the state may take~~
13 ~~action to cause a sustainable groundwater management plan to be~~
14 ~~developed, adopted, and implemented.~~

15 ~~(a) _____.~~

16 10745. If, by January 1, 2018, a local agency or agencies has
17 not initiated a sustainable groundwater management plan for a
18 groundwater basin that the department has determined is a high-
19 or medium-priority basin pursuant to Section 10726, the
20 department shall:

21 (a) Contact those local agencies that are authorized by law to
22 provide water service or whose land use jurisdiction overlays the
23 groundwater basin and offer to assist in the establishment of a
24 local groundwater management agency.

25 (b) If, within 60 days of the department's initial notice pursuant
26 to subdivision (a), a local agency or agencies has not agreed to
27 establish a local groundwater management agency, the department
28 shall refer the matter to the board, indicating the priority the
29 department gives to the establishment of sustainable groundwater
30 management of the subbasin.

31 10746. (a) Each groundwater agency that is required to
32 complete a groundwater management plan pursuant to paragraph
33 (1) of subdivision (c) of Section 10735 shall submit the plan to the
34 department for review by January 1, 2020, and shall a submit
35 progress report every 5 years thereafter.

36 (b) Upon receipt of the plan on or before January 1, 2020, or
37 the progress report, the department shall provide a selected review
38 and analysis of the sustainable groundwater management plan,
39 or progress report, and shall submit a report of compliance to the
40 state board.

1 10747. (a) The board, after written notice and public hearing,
2 may initiate a process to have a qualified third party develop a
3 groundwater management plan for the basin or subbasin, including
4 monitoring and reporting, restrictions on groundwater extraction,
5 and the collection of fees, for a groundwater basin based on either
6 of the following:

7 (1) The groundwater basin has been identified as a high- or
8 medium-priority basin by the department and a local agency has
9 not initiated the development of a sustainable groundwater
10 management plan on or before January 1, 2018.

11 (2) The groundwater basin has been identified as a high- or
12 medium-priority basin by the department and the board finds that
13 the sustainable groundwater management plan submitted on or
14 before January 1, 2020, fails to meet the standards and
15 requirements of this part.

16 (b) The board may adopt and enforce the sustainable
17 groundwater management plan developed pursuant to subdivision
18 (a).

19 10748. The board, after written notice and public hearing, may
20 initiate enforcement of a sustainable groundwater management
21 plan adopted by the groundwater management agency, including
22 monitoring and reporting, restrictions on groundwater extraction,
23 and the collection of fees, for a groundwater basin if the
24 groundwater basin has been identified as a high- or
25 medium-priority basin by the department and the groundwater
26 management agency has not made progress to meet its five-year
27 milestone and measurable objectives identified in its plan.

28 10749. Before adoption or enforcement of a sustainable
29 groundwater management plan pursuant to Section 10747 or
30 10748, respectively, the board shall identify the measures necessary
31 to bring the plan or the plan's implementation into compliance
32 with this part and allow the groundwater management agency to
33 correct the deficiencies within a reasonable period of time. The
34 department shall provide technical assistance as needed for this
35 purpose.

36 10749.5. The board, in consultation with the department, shall
37 make all reasonable efforts to transfer management of a
38 groundwater basin back to local agencies in compliance with this
39 part at the earliest feasible date.

40 SEC. 7. Section 10750.11 is added to the Water Code, to read:

1 10750.11. *Commencing January 1, 2015, a new plan shall not*
2 *be adopted and an existing plan shall not be renewed pursuant to*
3 *this part. A plan adopted before January 1, 2015, shall remain in*
4 *effect until a sustainable groundwater management plan is adopted*
5 *pursuant to Part 2.74 (commencing with Section 10720).*

6 SEC. 8. *Section 10927 of the Water Code is amended to read:*

7 10927. Any of the following entities may assume responsibility
8 for monitoring and reporting groundwater elevations in all or a
9 part of a basin or subbasin in accordance with this part:

10 (a) A watermaster or water management engineer appointed by
11 a court or pursuant to statute to administer a final judgment
12 determining rights to groundwater.

13 (b) (1) A groundwater management agency with statutory
14 authority to manage groundwater pursuant to its principal act that
15 is monitoring groundwater elevations in all or a part of a
16 groundwater basin or subbasin on or before January 1, 2010.

17 (2) A water replenishment district established pursuant to
18 Division 18 (commencing with Section 60000). This part does not
19 expand or otherwise affect the authority of a water replenishment
20 district relating to monitoring groundwater elevations.

21 (3) *A groundwater management agency with statutory authority*
22 *to manage groundwater pursuant to Part 2.74 (commencing with*
23 *Section 10720).*

24 (c) A local agency that is managing all or part of a groundwater
25 basin or subbasin pursuant to Part 2.75 (commencing with Section
26 10750) and that was monitoring groundwater elevations in all or
27 a part of a groundwater basin or subbasin on or before January 1,
28 2010, or a local agency or county that is managing all or part of a
29 groundwater basin or subbasin pursuant to any other legally
30 enforceable groundwater management plan with provisions that
31 are substantively similar to those described in that part and that
32 was monitoring groundwater elevations in all or a part of a
33 groundwater basin or subbasin on or before January 1, 2010.

34 (d) A local agency that is managing all or part of a groundwater
35 basin or subbasin pursuant to an integrated regional water
36 management plan prepared pursuant to Part 2.2 (commencing with
37 Section 10530) that includes a groundwater management
38 component that complies with the requirements of Section 10753.7.

39 (e) A local agency that has been collecting and reporting
40 groundwater elevations and that does not have an adopted

1 groundwater management plan, if the local agency adopts a
2 groundwater management plan in accordance with Part 2.75
3 (commencing with Section 10750) by January 1, 2014. The
4 department may authorize the local agency to conduct the
5 monitoring and reporting of groundwater elevations pursuant to
6 this part on an interim basis, until the local agency adopts a
7 groundwater management plan in accordance with Part 2.75
8 (commencing with Section 10750) or until January 1, 2014,
9 whichever occurs first.

10 (f) A county that is not managing all or a part of a groundwater
11 basin or subbasin pursuant to a legally enforceable groundwater
12 management plan with provisions that are substantively similar to
13 those described in Part 2.75 (commencing with Section 10750).

14 (g) A voluntary cooperative groundwater monitoring association
15 formed pursuant to Section 10935.

16 *SEC. 9. Section 10933 of the Water Code is amended to read:*

17 10933. (a) On or before January 1, 2012, the department shall
18 commence to identify the extent of monitoring of groundwater
19 elevations that is being undertaken within each basin and subbasin.

20 (b) The department shall prioritize groundwater basins and
21 subbasins for the purpose of implementing this section *and Part*
22 *2.74 (commencing with Section 10720). The department shall*
23 *review available groundwater data and update the groundwater*
24 *basins and subbasins in 2020 and every five years thereafter.* In
25 prioritizing the basins and subbasins, the department shall, to the
26 extent data are available, consider all of the following:

27 (1) The population overlying the basin or subbasin.

28 (2) The rate of current and projected growth of the population
29 overlying the basin or subbasin.

30 (3) The number of public supply wells that draw from the basin
31 or subbasin.

32 (4) The total number of wells that draw from the basin or
33 subbasin.

34 (5) The irrigated acreage overlying the basin or subbasin.

35 (6) The degree to which persons overlying the basin or subbasin
36 rely on groundwater as their primary source of water.

37 (7) Any documented impacts on the groundwater within the
38 basin or subbasin, including overdraft, subsidence, saline intrusion,
39 and other water quality degradation.

1 (8) Any other information determined to be relevant by the
2 department.

3 (c) If the department determines that all or part of a basin or
4 subbasin is not being monitored pursuant to this part, the
5 department shall do all of the following:

6 (1) Attempt to contact all well owners within the area not being
7 monitored.

8 (2) Determine if there is an interest in establishing any of the
9 following:

10 (A) A groundwater management plan pursuant to Part 2.75
11 (commencing with Section 10750).

12 (B) An integrated regional water management plan pursuant to
13 Part 2.2 (commencing with Section 10530) that includes a
14 groundwater management component that complies with the
15 requirements of Section 10753.7.

16 (C) A voluntary groundwater monitoring association pursuant
17 to Section 10935.

18 (d) If the department determines that there is sufficient interest
19 in establishing a plan or association described in paragraph (2) of
20 subdivision (c), or if the county agrees to perform the groundwater
21 monitoring functions in accordance with this part, the department
22 shall work cooperatively with the interested parties to comply with
23 the requirements of this part within two years.

24 (e) If the department determines, with regard to a basin or
25 subbasin, that there is insufficient interest in establishing a plan
26 or association described in paragraph (2) of subdivision (c), and
27 if the county decides not to perform the groundwater monitoring
28 and reporting functions of this part, the department shall do all of
29 the following:

30 (1) Identify any existing monitoring wells that overlie the basin
31 or subbasin that are owned or operated by the department or any
32 other state or federal agency.

33 (2) Determine whether the monitoring wells identified pursuant
34 to paragraph (1) provide sufficient information to demonstrate
35 seasonal and long-term trends in groundwater elevations.

36 (3) If the department determines that the monitoring wells
37 identified pursuant to paragraph (1) provide sufficient information
38 to demonstrate seasonal and long-term trends in groundwater
39 elevations, the department shall not perform groundwater
40 monitoring functions pursuant to Section 10933.5.

1 (4) If the department determines that the monitoring wells
2 identified pursuant to paragraph (1) provide insufficient
3 information to demonstrate seasonal and long-term trends in
4 groundwater elevations, the department shall perform groundwater
5 monitoring functions pursuant to Section 10933.5.

6 *SEC. 10. If the Commission on State Mandates determines that*
7 *this act contains costs mandated by the state, reimbursement to*
8 *local agencies and school districts for those costs shall be made*
9 *pursuant to Part 7 (commencing with Section 17500) of Division*
10 *4 of Title 2 of the Government Code.*